

REMARKS

The Office Action of June 21, 2010 has been reviewed and the comments therein carefully considered. Applicants thank the Examiner for indicating that claim 30 is allowed. In reply to the June 21, 2010 Office Action, this application has been amended. In particular, claim 21 has been amended to modify the long-chain polyunsaturated fatty acid weight percent range. Support for this amendment can be found in the originally-filed application, such as at page 3, lines 17-22. The fat or oil content of the solid fat product has also been modified, and support can be found on page 4, lines 6-9. Additional amendments have been made to claim 21 to remove "animal fat" as one of the fat or oil components and to replace the phrase "originates from" with the word "is" to clarify that the fat or oil component is added to the solid fat product and is not naturally part of the fat product itself. Support for these amendments can be found throughout the application as originally filed, such as in lines 16-24 of page 4. The specification has also been amended to remove reference to the particular claim numbers on page 2 and add the substance of the original claims, as suggested in the Office Action. Thus, no new matter has been added. For the following reasons, Applicants submit that the pending claims are patentable over the cited art of record and the application is in condition for allowance.

Objection to the Specification

The specification was objected to because lines 11 and 12 of page 2 contain a reference to the claim numbers. As suggested in the Office Action, Applicants have amended this portion of the specification to remove reference to the claim numbers and add the substance of original claims 1 and 13. It is believed this amendment addresses the objection.

Rejections Under 35 U.S.C. §103(a)

Claims 21, 24, 26 and 27 stand rejected under 35 U.S.C. §103(a) for obviousness over Akimoto (EP 0775449) in view of Rombauer (Joy of Cooking, pg. 220) and further in view of Potter (Food Science, pg. 417). This rejection is respectfully traversed.

Claim 21 is directed to a solid fat product based on whole egg or egg yolk and including a solid fat product comprising a fat or oil component and a non-fat component,

wherein the non-fat component consists essentially of whole egg or egg yolk constituents. The fat or oil component contains phospholipids originating from the whole egg or egg yolk and long-chain polyunsaturated fatty acids having at least 20 carbon atoms in an amount of 15 to 70 wt.% of the total fatty acid content. At least part of the fat or oil component is a fat or oil component selected from fish oil, marine animal oil, fermentation oil, single-cell oil and mixtures thereof. The solid fat product has a fat or oil content of more than 50 wt.% based on the fat product dry matter.

The claimed product is produced by replacing the endogenous fat component of the egg with a fat or oil component containing triglycerides and/or phospholipids of long-chain polyunsaturated fatty acids so as to achieve the claimed features. (See page 6, lines 1-9 of as-filed application.) At least part of the replacement fat or oil component is from a fat or oil component selected from fish oil, marine animal oil, fermentation oil, single-cell oil and mixtures thereof.

Akimoto is directed to fowl eggs in which the concentration of certain long-chain polyunsaturated fatty acids is supposedly increased through the use of supplemental feed provided to the fowl. In particular, Akimoto describes the results of a test in which a first group of chickens was fed with ordinary feed while a second group of chickens was fed with a feed supplemented with $\omega 6$ highly unsaturated fatty acids. (Akimoto, pg. 7, lines 6-26.) However, Akimoto does not teach or suggest an egg-based product which contains a fat or oil component selected from fish oil, marine animal oil, fermentation oil, single-cell oil and mixtures thereof. Instead, Akimoto teaches enhanced eggs without any foreign fat or oil substance added thereto. Fowl eggs do not contain a fat or oil component comprising fish oil, marine animal oil, fermentation oil, single-cell oil or mixtures thereof. The argument presented in the Office Action that Akimoto teaches a product with a fat component that originates from the required sources set forth in the claim because the eggs in Akimoto are from a chicken (i.e., an animal) is no longer applicable in view of the current amendment to claim 21.

Moreover, Akimoto fails to teach or suggest a product wherein the fat or oil component contains phospholipids originating from the whole egg or egg yolk and long-chain polyunsaturated fatty acids having at least 20 carbon atoms in an amount of 15 to 70 wt.% of the

total fatty acid content. Reviewing tables the various tables in the percentages of arachidonic acid to total fatty acids, eicosapentaenoic acid to total fatty acids, and docosahexaenoic acid to total fatty acids do not fall within the claimed range of 15 to 70 wt.% of the total fatty acid content. Applicants remain of the opinion that achieving the long-chain polyunsaturated fatty acid content defined in the claims in fowl eggs would not be possible through supplemental feed alone.

Akimoto also fails to teach or suggest an egg product that is solid. To correct this deficiency, the Office Action cites the Rombauer article to suggest it would be obvious to hard boil the eggs of Akimoto. It is asserted that the egg yolk of a hard boiled egg would constitute a solid fat product with the required fat content, citing Potter. However, Applicants note that claim 21, as amended, requires a solid fat product that has a fat or oil content of more than 50 wt.%, based on the fat product dry matter. Table 48 in the Potter Food Science article cited in the Office Action seems to suggest that the fat content of a hard boiled egg, even when considering just the yolk portion, is far below this 50 wt.% value.

Therefore, a hard boiled Akimoto test egg would not constitute a solid fat product as defined in claim 21. Accordingly, Applicants respectfully submit that the rejection of claims 21, 24-25 and 29 under 35 U.S.C. §103(a) for obviousness over Akimoto in view of Rombauer should be reconsidered and withdrawn.

Claims 26 and 27 stand rejected under 35 U.S.C. §103(a) for obviousness over Akimoto in view of Rombauer and further in view of Potter and Remacle (U.S. Patent Application Publication No. 2004/002292). Claims 26 and 27 depend from claim 21. As explained above, claim 21 is not obvious over Akimoto in view of Rombauer and Potter. Ramacle is cited for its discussion on carbohydrate content. Thus, Remacle does not cure the above-discussed deficiencies of the Akimoto/Rombauer combination. Accordingly, the rejection of claims 26 and 27 should also be withdrawn.

Claim 23 stands rejected under 35 U.S.C. §103(a) for obviousness over Akimoto in view Rombauer and further in view of Potter and Hagiwara (U.S. Patent No. 6,358,554). This rejection is traversed. The many deficiencies of the Akimoto/Rombauer/Potter combination are discussed above. Hagiwara does not cure these deficiencies.

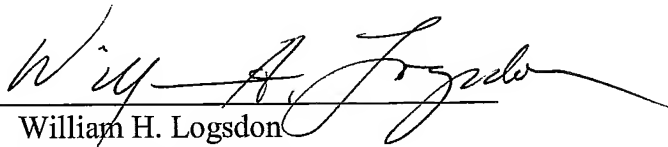
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CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the pending claims are patentable over the cited art of record and are in condition for allowance. Accordingly, reconsideration of the outstanding rejections and allowance of pending claims 21, 23, 24, 26, 27 and 30 are respectfully requested.

Respectfully submitted,

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